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**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

**LUIS PEÑA,**

**PLAINTIFF,**

**VS.**

**BLUE BEVERAGE GROUP,**

**DEFENDANTS.**

**CIVIL ACTION No: 16-CV-05056-KMK**

**ORDER**

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

In October 2020, this order of reference for general pretrial supervision was reassigned to the undersigned.

On April 25, 2019, Defendant notified the Court that it had filed for bankruptcy. ECF No. 78. As a result, the Court stayed this action pending the resolution of the bankruptcy proceeding. ECF No. 80.

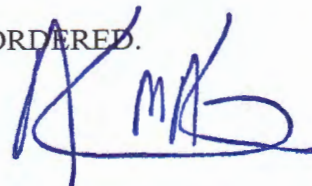
On August 23, 2021, the Court was provided with an update on the status of the Bankruptcy of Defendant Blue Beverage Group reflecting that the Chapter 11 case was converted to Chapter 7 and Howard Magaliff was appointed Chapter 7 trustee; and further that Plaintiff Luis Peña's proof of claim will be resolved in the Bankruptcy Court and thus Plaintiff's counsel should dismiss this action. ECF No. 82.

Pursuant to the Court's September 7, 2021 Order (ECF No. 83), on September 10, 2021, Plaintiff's counsel advised the Court that in light of the report of the Trustee of the developments in the Bankruptcy of Defendant Blue Beverage Group, Plaintiff consents to dismissal of the within matter without prejudice. ECF No. 84.

Accordingly, the within matter is hereby dismissed without prejudice.

DATED: 9/14/2021  
White Plains, New York

SO ORDERED.

  
ANDREW E. KRAUSE District  
UNITED STATES MAGISTRATE JUDGE  
Kenneth M. Karas